

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

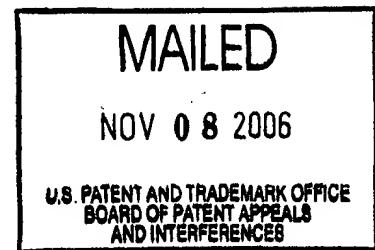
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex Parte JOHN S. FERNANDO,
HYUN LEE, and TREVOR E. LITTLE

Appeal No. 2006-2521
Application No. 09/788,582

ON BRIEF



Before THOMAS, JERRY SMITH and SAADAT, Administrative Patent Judges.

JERRY SMITH, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on the appeal under 35 U.S.C. § 134 from the examiner's rejection of claims 1-23, which constitute all the claims in the application.

The disclosed invention pertains to a method and apparatus for transferring multi-source/multi-sink control signals using a differential signaling technique. More particularly, an "active" state is transferred on a control signal network by inverting the previous voltage level, and an "inactive state" is transferred by maintaining the previous level.

Representative claim 1 is reproduced as follows:

1. A method for transmitting a control signal on a bus, said control signal having two signal states, said method comprising the steps of:
 - adjusting a voltage level of said control signal from a previous time interval to indicate a first signal state; and
 - maintaining said voltage level of said control signal from the previous time interval to indicate a second signal state.

The examiner relies on the following reference:

Tateishi 5,539,590 July 23, 1996

Claims 1-23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the disclosure of Tateishi.

Rather than repeat the arguments of appellants or the examiner, we make reference to the briefs and the answer for the respective details thereof.

OPINION

We have carefully considered the subject matter on appeal, the rejection advanced by the examiner and the evidence of anticipation relied upon by the examiner as support for the rejection. We have, likewise, reviewed and taken into consideration, in reaching our decision, the appellants' arguments set forth in the briefs along with the examiner's rationale in support of the rejection and arguments in rebuttal set forth in the examiner's answer.

It is our view, after consideration of the record before us, that the disclosure of Tateishi fully meets the invention as set forth in claims 1-23. Accordingly, we affirm.

Anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as

well as disclosing structure which is capable of performing the recited functional limitations. RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984); W.L. Gore and Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983).

The examiner has indicated how the claimed invention is deemed to be fully met by the disclosure of Tateishi [supplemental answer, pages 4-5]. Since appellants have not separately argued any of the claims with respect to the rejection, we will consider the rejection with respect to independent claim 1 as the representative claim for this rejection. With respect to representative claim 1, appellants argue that the signal STS in Tateishi does not indicate a first signal state by adjusting a voltage level from a previous time interval and a second signal state by maintaining the voltage level from the previous time interval [brief, page 3]. The examiner responds that appellants have failed to understand how the examiner defined the claimed two signal states. The examiner explains that the first signal state is the change in floppy drive status (floppy disk is inserted into the drive or the floppy disk is removed from the drive), and the second signal state is that there is no change in the floppy drive status (floppy disk is maintained either inside or outside the floppy drive). Thus, the examiner points out that it is the value of STS, and not the output of EX1, that is used to indicate the two signal states [supplemental answer, pages 5-6]. Appellants respond that the states suggested by the examiner are not disclosed in Tateishi. They note that while examples may exist in the prior art where, coincidentally, two states may be subsequently defined such that they are represented by a maintained

voltage level and an adjusted voltage level, such definitions of states are not taught by the prior art and were undiscovered prior to appellants' invention [reply brief, pages 2-3].

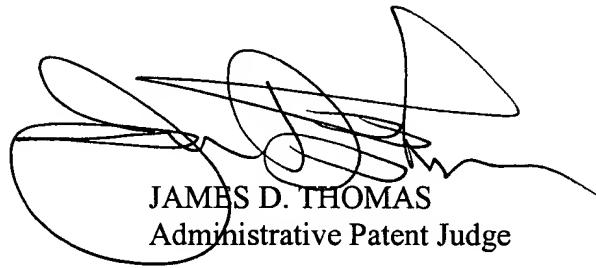
We will sustain the examiner's rejection of claims 1-23. The examiner has carefully explained how the invention of claim 1 reads on Tateishi. Appellants' argument seems to be that even if Tateishi may be interpreted in the manner suggested by the examiner, Tateishi never recognized this interpretation. In other words, appellants seem to be arguing that the prior art itself must provide the interpretation advanced by the examiner. We do not agree. Anticipation by a prior art reference does not require either the inventive concept of the claimed subject matter or the recognition of inherent properties that may be possessed by the prior art reference. Verdegaal Brothers Inc. v. Union Oil Co. of California, 814 F.2d 628, 633, 2 USPQ2d 1051, 1054 (Fed. Cir. 1987). Since the examiner's interpretation of the claimed invention is reasonable, and since the invention as interpreted exists within a single prior art reference, we agree with the examiner that the reference anticipates the claimed invention.

In summary, we have sustained the examiner's rejection of claims 1-23. Therefore, the decision of the examiner rejecting claims 1-23 is affirmed.

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No time period for taking any subsequent action in connection with this appeal
may be extended under 37 CFR § 1.136(a)(1)(iv).

AFFIRMED



JAMES D. THOMAS
Administrative Patent Judge

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JERRY SMITH
Administrative Patent Judge



MAHSHID D. SAADAT
Administrative Patent Judge

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Application No. 09/788,582

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